

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION**

Meleke Stewart,

Plaintiff,

v.

Charles Williams, Curtis Early, L. Morell,
Jalia Anderson, Andrea Foster,

Defendants.

Case No. 8:24-cv-5908-RMG

ORDER AND OPINION

Before the Court is the Report & Recommendation (R&R) of the Magistrate Judge recommending that Plaintiff's case be dismissed without issuance and service of process and without further leave to amend. (Dkt. No. 18). Plaintiff did not object to the R&R. For the reasons set forth below, the Court recommends dismissal of Plaintiff's case.

I. Background

Plaintiff alleges that he was wrongfully transferred to a maximum security prison and seeks relief against prison officials pursuant to 42 U.S.C. § 1983. (Dkt. No. 1). The Court informed Plaintiff that his claim was subject to summary dismissal where he failed to allege violation of any constitutional right and allowed him twenty-one (21) days to amend his complaint. (Dkt. No. 11). Plaintiff filed his Amended Complaint on November 18, 2024. (Dkt. No. 13). The Magistrate Judge recommends dismissal of Plaintiff's Amended Complaint for failure to state a cognizable § 1983 claim. (Dkt. No. 18).

II. Legal Standard

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making

a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the Report for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee's note).

III. Conclusion

Absent objection by Plaintiff and finding no clear error, the Court **ADOPTS** the R&R as the Order of the Court and **DISMISSES** Plaintiff's case without leave to amend and without service of process.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

February 25, 2025
Charleston, South Carolina